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**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In re:	)	Case No.
	)	
	)	Chapter
	)	
	)	
Debtor(s) .	)	
_____	)	Adv. No.
	)	
	)	
	)	<b><u>SCHEDULING ORDER</u></b>
Plaintiff(s) .	)	B.R. 7016
	)	Fed. R. Civ. P. 16
vs.	)	
	)	
	)	
Defendant(s) .	)	
_____	)	

A Status Conference in the above-entitled matter was held on  
\_\_\_\_\_  
(Date & Time)\_\_\_\_\_.

\_\_\_\_\_  
(Name of Attorney) appeared for Plaintiff.

\_\_\_\_\_  
(Name of Attorney) appeared for Defendant.

Upon due consideration, the court hereby establishes the following  
schedule:

1           (1) All discovery shall be completed by \_\_\_\_\_.

2           (2) A Pretrial Conference shall be held on \_\_\_\_\_ (Date) at  
3     \_\_\_\_\_(Time)\_\_\_\_\_, United States Bankruptcy Court, 235 Pine Street, Twenty-  
4     Third Floor, San Francisco, CA 94104.

5           The parties' counsel are directed to meet and confer in person  
6     regarding settlement and the joint pretrial conference statement  
7     before the pretrial conference. Counsel are reminded that they are  
8     required to file a joint pretrial statement seven calendar days  
9     before the pretrial conference. The pretrial conference statement  
10    shall address: (1) The substance of the action; (2) undisputed  
11    facts; (3) disputed facts; (4) disputed legal issues; (5) witnesses  
12    to be called by each party; (6) an estimate of trial time required;  
13    (7) whether separate trial of specific issues is appropriate; (8)  
14    whether it is appropriate to introduce the direct testimony of any  
15    witnesses by declaration (subject to oral cross examination).

16          (3) No motion for summary judgment will be heard less than  
17    thirty days before trial without permission of the court.

18          (4) Trial will commence on \_\_\_\_\_ at 9:30 a.m.,  
19    at the United States Bankruptcy Court, 235 Pine Street, Twenty-  
20    Third Floor, San Francisco, CA. Seven calendar days before the  
21    trial date counsel shall inform the courtroom deputy (Gordon Hom  
22    (415) 268-2362) whether the parties have settled and, if not, how  
23    much time the trial will require. During the week prior to the  
24    trial date the court may reschedule the trial to a later day during  
25    the week of the trial date. Counsel should be prepared to go to  
26    trial at any time during the week of the trial date.

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1           (5) Seven calendar days before the scheduled trial date,  
2 counsel shall: (a) serve and file trial briefs (briefs shall not  
3 exceed twenty-five pages without prior permission of the  
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1 court); (b) exchange copies of all exhibits to be offered, other  
2 than those to be used for impeachment or rebuttal; (c) serve and  
3 file statements designating excerpts from depositions, answers to  
4 interrogatories and requests for admission, other than those to be  
5 used for impeachment or rebuttal; and (d) exchange a list of  
6 expected witnesses, other than those to be called for impeachment  
7 or rebuttal, including a brief summary of each witness' expected  
8 testimony.

9 (6) Counsel shall also: (a) premark all exhibits **before**  
10 trial (Plaintiff's exhibits should be marked by number, Defendant's  
11 exhibits should be marked by letter); (b) bring sufficient copies  
12 of exhibits for all counsel, the witness, and the court; (c) in  
13 any case in which the party expects to offer more than ten  
14 exhibits, place the exhibits in a three-ring binder with an  
15 appropriate tab attached to each exhibit; (d) number the pages of  
16 any exhibit that has more than one page; (e) promptly advise the  
17 opposing party of any objections to the introduction of the  
18 opposing party's proposed testimony or exhibits; and (f) meet  
19 **before** trial to attempt to reach agreement regarding the  
20 admissibility of testimony and exhibits.

21 (7) By agreement of the parties, all direct testimony by  
22 non-hostile witnesses regarding each party's case-in-chief shall  
23 be presented by written declaration rather than by oral question  
24 and answer. The parties shall present by oral question and answer  
25 the testimony of hostile, impeachment, and rebuttal witnesses,  
26 and shall conduct cross-examination, re-direct examination, and  
27 re-cross examination by oral question and answer. Each party shall  
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1 serve and file the declarations it intends to introduce seven  
2 calendar days before trial. Each party shall notify opposing  
3 counsel in writing three calendar days before trial if it wishes to  
4 cross examine one or more of the opposing party's declarants, or if  
5 it intends to object to introduction of a declaration served by the  
6 opposing party. Failure to notify the opposing party of the intent  
7 to cross examine or object shall result in the waiver of the right  
8 to cross examine or object to the evidence. Failure to make a  
9 declarant available following timely notice from the opposing party  
10 shall result in exclusion of the testimony of that declarant.

11 (8) Counsel for the party who has lodged this scheduling  
12 order promptly shall serve this order on all other parties to the  
13 action, and shall file proof of such service.

14 The court may exclude evidence, postpone trial, or impose  
15 monetary sanctions for failure to comply with this order.

16 IT IS SO ORDERED.

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18 \*\*END OF ORDER\*\*

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